

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TONY PENWELL,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, et al.,

Defendant.

CASE NO. 3:24-cv-05748-TSZ-BAT

**ORDER GRANTING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS AND
DIRECTING INSTITUTION TO
CALCULATE, COLLECT, AND
FORWARD PAYMENTS**

Plaintiff is a prisoner proceeding *pro se* in this civil rights action. The Court, having reviewed plaintiff's application to proceed *in forma pauperis*, hereby finds and ORDERS as follows:

- (1) The Court GRANTS plaintiff's application to proceed *in forma pauperis* (Dkt. 1.).
- (2) Pursuant to 28 U.S.C. § 1915, and plaintiff's approved application to proceed *in forma pauperis*, the agency having custody of the above-named plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the date of this Order. The initial partial filing fee should be forwarded to the Clerk of Court as soon as practicable.

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1 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
2 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the
3 prisoner's preceding month's income credited to the prisoner's account. In the event that the
4 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect
5 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.
6 Please note that this \$10.00 limit does not apply to the initial partial filing fee described above.
7 Finally, the monthly payments should be collected and forwarded to the Court until the entire
8 filing fee (\$350.00) for this matter has been paid.

9 (3) The Clerk is directed to send a copy of this Order to plaintiff, to the financial
10 officer of this Court, and to the agency having custody of plaintiff.

11 DATED this 19th day of September, 2024.

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14 BRIAN A. TSUCHIDA
United States Magistrate Judge
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